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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,394	03/09/2001	John E. Fitzpatrick	BVOC013	7562
28875	7590	07/01/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			MCFADDEN, SUSAN IRIS	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/802,394	FITZPATRICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan McFadden	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4,7-11,13-15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-11,13-15 and 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Zilka on 6-23-05.

The application has been amended as follows:

In claim 15, line 1, after "system", --- including a computer program product embodied on a computer readable medium --- has been inserted.

In claim 18, line 1, after "product", --- embodied on a computer readable medium --- has been inserted.

These changes were made to overcome a 101 rejection.

### ***Response to Amendment***

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1,4,7-11,13-15, and 17-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,4,7-11,13,14,17,18,24,25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al (6,888,929).

In regard to claims 1,4,7,14,17, and 18, Saylor et al. show in Figure 2, a system, method, and medium for handling unregistered callers in a voice recognition framework, comprising the steps of: determining whether a user is registered (registration process, col. 15, ln 58-68); executing a registration process if it is determined that the user is not registered; and receiving and recognizing utterances representative of information from the user during the registration process (item 47), wherein the receiving is carried out utilizing an input device (item 14); wherein the information includes billing information, selected from the group consisting of a billing address and credit card data, where the billing address includes a city in which the user resides; wherein the information further includes at least one phone number of the user, gender and preferences (col. 15, ln 62-68, col. 16, payment info, address, demographic info, etc), wherein the information is used when providing the service.

In regard to claims 8 and 9, Saylor et al. show that preferences can be selected from the group consisting of personalization information, data relating to a stock , and sports (col. 3-4).

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In regard to claims 10 and 11, Saylor et al. show that the information is entered by the user utilizing a computer coupled to a network, which includes the Internet (col. 4, In 55, Fig. 2).

In regard to claim 13, Saylor et al. show the system and method discussed above. They show that an attendant is used during the registration process (col. 7, In 55-59).

In regard to claim 24, Saylor et al. show that a plurality of services is provided to the user which could include a nationwide business finder service, a nationwide driving directions service, a nationwide traffic updates service, a worldwide weather service, a news service, a sports service, a stock quotes service, and an infotainment service (Vpages, col. 3-4).

In regard to claims 25 and 27, Saylor et al. inherently show that directions are given to the user explaining the registration process and a process by which the user may exit the registration process (col. 7, In 53-59).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15,22,23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al (cited above).

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In regard to claim 15, Saylor et al. show the system and method discussed above. They do not specifically show that promotional information is presented to the user during the registration process. The Examiner takes Official Notice that one of ordinary skill in the art would know that these features could easily be added to the system to customize it. Therefore, it would be obvious to one of ordinary skill in art at the time of the invention to add these features because they make the system more user-friendly.

In regard to claims 22 and 23, Saylor et al. show the system and method discussed above which includes storing information in databases. They do not specifically show that the information from a user is gathered via call description records and stored in a database and compared to a second database. The Examiner takes Official Notice that one of ordinary skill in the art would know that information in various databases could be compared. Therefore, it would be obvious to one of ordinary skill in art at the time of the invention to add these features because they make the system more user-friendly.

In regard to claim 26, Saylor et al. show the system and method discussed above. They do not specifically show that executing the registration process comprises receiving an account number that identifies a telecommunication carrier from which the user was transferred to the registration process. The Examiner takes Official Notice that one of ordinary skill in the art would know that this features could easily be added to the system to customize it. Therefore, it would be obvious to one of ordinary skill in art at

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the time of the invention to add these features because they make the system more user-friendly.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al (cited above) in view of Gerszberg et al. (6044403).

In regard to claims 19-21, Saylor et al. show the system and method discussed above. They do not specifically show that the handling of unregistered callers is managed by a platform comprised of a presentation layer, an application logic layer, an information access services layer, and a telecom infrastructure. Gerszberg et al. shows a network server platform which includes these layers (Figs. 7-8). Therefore, it would be obvious to one of ordinary skill in art at the time of the invention to add these features because they make the system more user-friendly.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

June 28, 2005